

To make use of the links in this document, you can access a digital version by typing www.themooring.homestead.com into the URL bar of your browser. Be sure to use the URL bar and not the search field, as that does not always make the connection. The password is **Mandamus**.

For your convenience, links to exhibits jump back and forth between the body of the petition and the exhibit. In addition, the official DVD of the September 24th Town Meeting was uploaded to YouTube and the video exhibits themselves link to the YouTube presentation. You must drag to the indicated point in the video to see the referenced material.

For verification, a copy of the official DVD of the September 24th Easton Town Meeting is also provided with this document.

PETITION FOR WRIT OF MANDAMUS

Petitioners, June Logie, Beverlee Dacey, and A. Peter Dacey, as representatives of our legislative body, the Town Meeting, sue Respondents, First Selectman Adam Dunsby, Selectman Robert Lessler Esquire, Selectman Kristi Sogofsky, Meeting Moderator Thomas Herrmann, Republican Registrar of Voters Vincent Caprio, Democrat Registrar of Voters David Smith, and Easton Town Clerk Christine Halloran, and file this Petition for a Writ of Mandamus.

JURISDICTION

Petitioners are residents and voters in the Town of Easton, CT and, as such, members of its legislative body, the Town Meeting.

Respondents, elected officials and election moderators in the Town of Easton, are:

1. **First Selectman Adam Dunsby:** former Chair of the Republican Town Committee and Nominating Committee, former Chair of the Conservation Commission and Easton Board of Education, former District 135 Representative to the CT General Assembly
2. **Selectman Robert Lessler, Esquire:** BOS member for 21 years, former Board of Finance member
3. **Selectman Kristi Sogofsky:** appointed 6/1/18; member of the Easton Republican Town Committee, Co-chair of the PTA, Chair of the Library Building Committee, and former Chair of the Library Board of Trustees
4. **Meeting Moderator Thomas Herrmann:** Former First Selectman preceding Adam Dunsby, current Chair of the Republican Town Committee Nominating Committee, Deputy Republican Registrar of Voters, Member of the Easton Police Commission, former Board of Finance member, Elections Moderator, and Moderator for the 5/30/18 and the 9/24/18 Town Meetings

5. **Republican Registrar of Voters Vincent Caprio:** member of the Easton Republican Town Committee
6. **Democrat Registrar of Voters David Smith:** member of the Easton Democrat Town Committee
7. **Easton Town Clerk Christine Halloran:** member of the Easton Republican Town Committee

For purposes of this complaint the Board of Selectmen (BOS) prior to April 6, 2018 consisted of Adam Dunsby, Robert Lessler, and Caroline Colangelo. From April 6 to May 31 the BOS consisted of Adam Dunsby and Robert Lessler with a one seat vacant. After May 31 the BOS consisted of Adam Dunsby, Robert Lessler, and Kristi Sogofsky

REQUEST FOR ACTION

Easton is governed by Town Meeting and state statute. Petitioners seek from this court a writ of mandamus to compel the Respondents to act in accordance with CT General Statutes and Robert's Rules of Order regarding the conduct of Town Meetings.

It is the ascertain of the Petitioners that the executive branch of the Easton government, i.e. the Board of Selectmen, using the power and resources of its offices, has a history of overstepping the boundaries of its power, encroaching on the legal powers of the legislative body, the Town Meeting, and displaying hostility to citizens who try to make motions from the floor at the Annual Town Meeting or make use of the legal process of petitioning a Town Meeting.

The BOS also works politically in opposition against legally petitioned Town Meetings, thereby misleading citizens about the nature of our Town Meeting form of government and the role its citizens, as members of the legislative body, play in it. The Town Meeting is a unique form of government with which many people moving to Easton are not familiar. Our elected officials do nothing to educate people new in the town about our form of government and they use this ignorance to grab power.

Specifically, in this incident citizens obtained the requisite signatures to petition for a Town Meeting to consider and vote upon a proposed ordinance for the Code of the Town of Easton that would require certain matters relating to the acquisition and disposition of municipal property to be submitted to the vote of a Town Meeting with an exception for transactions of relatively low

dollar value. In the ten days between the posting and the meeting, there was a unified front by our elected officials from both parties to deceive the public about the legal role and power of the Town Meeting. Through statements by the BOS at its September 12 meeting, by Selectman Sogofsky in communications through the PTA and Facebook, in a September 20 letter to the editor, and from the podium at the September 24 Town Meeting, they spoke in unison disseminating misinformation to convince the legislative body that the power over Easton's municipal land rests solely with the three-person BOS and that members of the legislative body do not have the legal right or the expertise to make decisions regarding the disposition of municipal land.

The Petitioned Town Meeting was held on September 24, 2018. The Petitioners and others sought a paper ballot vote or machine vote in accordance with Connecticut General Statute (CGS) 7-7 for the conduct of a Town Meeting. However, the Moderator of the Town Meeting called, instead, for a division of the room, a procedure that is not authorized by either CGS 7-7 or Roberts Rules of Order, which has historically been the governing rule of Town Meetings for the Town of Easton. At the Town Meeting there was disagreement as to the proper interpretation of CGS 7-7. This resulted in an illegally conducted, out-of-control Town Meeting where the legislative body was denied the right to a paper ballot and forced to vote by a completely chaotic separation of the room.

It is the history of such repeated power-grabs by Easton elected officials, diminishing the legal power of citizens as members of the Town Meeting, that has led to a lack of trust in our leaders and the filing of this suit. Linked below is a powerful statement to this point by a citizen at the September 24 Town Meeting. It is important to note that this citizen was unknown to the Petitioners prior to the Meeting.

<https://www.youtube.com/watch?v=jJFF3VC0MRs&t=481s> - Located at 7:02-8:25 minutes

The Petitioners have appealed to the following state agencies: Attorney General, Secretary of State, Office of Policy and Management, and State Elections. All say municipal matters are not within their jurisdiction and that our only recourse is to take the Town of Easton to court. Accordingly, the petitioners seek from this court a writ of mandamus under applicable Connecticut statutes: (1) nullifying any action taken at the September 24, 2018 meeting with respect to the proposed ordinance; (2) setting a new date for a Town Meeting to consider a

proposed ordinance based upon petitions signed by residents and voters of the Town of Easton; (3) at such Town Meeting, requiring the Board of Selectmen, and the Moderator of the Town Meeting to conduct or grant an adjournment for the purpose of a proper paper ballot vote or vote by machine tally, supervised by the Registrar of Elections, with respect to the proposed ordinance; and (4) requiring the Board of Selectmen to take actions going forward to inform Easton citizens about their Town Meeting form of government and document proper procedures for annual, special and petitioned Town Meetings.

ALLEGATIONS regarding the Monday, 9/24/2018 Petitioned Town Meeting

Before and during the 9/24/2018 petitioned Town Meeting, the Board of Selectmen, Town Clerk Christine Halloran, Registrars of Voters Vincent Caprio and David Smith, and Moderator Tom Herrmann all acted to deny the citizens of Easton the right to a vote by paper ballot or machine.

- A. The Town Clerk and the Registrars of Voters refused to prepare for a vote by paper ballot.
- B. The Town Clerk and the Registrars of Voters failed to qualify voters as they entered the town meeting, and no report was made by the Registrars to the Town Clerk on how many qualified voters were in attendance.
- C. The Moderator repeatedly refused to entertain legal motions from the floor and changed the motions made from the floor.
- D. The Moderator conducted the election amidst chaos, with no organized voting procedure in place and no attempt to insure the accuracy of the vote.

EVIDENCE: Timeline, Monday, September 24, 2018 Petitioned Town Meeting

E. A Town Meeting is petitioned.

1. On August 15, 2018, a legal Town Meeting petition for the purpose of considering an ordinance to allow citizens to vote on the disposition of municipal property was submitted to the Town Clerk. Ninety-seven signatures were collected. By state statute only fifty are needed. (EXHIBIT 1: Petition for 9/24/18 Town Meeting)

2. It took Town Clerk Christine Halloran over a month to verify eighty-seven signatures and notify the Board of Selectman of the petition. On September 13, First Selectman Adam Dunsby filed notice of the petitioned meeting with Ms. Halloran and it was scheduled for September 24, 2018. (EXHIBIT 2- Call to 9/24/18 petitioned Town Meeting)

F. Town leaders work together to oppose the proposed ordinance.

1. During the week of September 16–22, the current and past leaders of the Republican and Democrat Town Committees co-signed a letter published in the Aspetuck News asking citizens to vote against the proposed ordinance. (EXHIBIT 3: Town leaders' letter to the editor, Aspetuck News)

G. Town Clerk and Registrars of Voters refuse to plan for a paper ballot vote.

1. Despite repeated communication before the meeting and legislative attempts to move for a paper ballot during the meeting, the Town Clerk and the Registrars of Voters failed to prepare for a legal vote of any kind at the meeting. They did not check citizens into the meeting to assure they were qualified to vote nor certify to the legislative body the number of qualified voters present.

Registrars of Voters are charged “to guarantee and preserve the voting rights of the citizens of their town in a fair and equitable manner.” (EXHIBIT 4: Town of Easton website, Registrars of Voters) In an email to June Logie, Registrar David Smith stated that “The office of the registrar does set the rules for Town Meeting.”, thereby giving assurance of the registrars’ responsibility for the oversight and execution of the rules. (EXHIBIT 5: Registrar David Smith’s email regarding setting rules for the Town Meeting.)

2. On September 21, the Friday before the petitioned meeting, citizen Sherry Harris called the Republican Registrar of Voters, Mr. Vincent Caprio, to confirm preparation for paper ballot voting at the petitioned Town Meeting allowed by CGS Sec. 7-7. Mr. Caprio was not in the office, so she left her request with Deputy Registrar Jim Bromer. Mr. Bromer said he would give the message to Mr. Caprio. Ms. Harris did not get a call back from Mr. Caprio.

3. At approximately 9:30 AM on Monday, September 24th, citizen June Logie called the Registrar's office and spoke to Jim Bromer to confirm preparation for paper ballot voting at the petitioned Town Meeting to take place that evening. She referenced the call from Sherry Harris in this conversation. Mr. Bromer said he would give the message to Registrars Vincent Caprio and David Smith and they would discuss it.
4. Later in the day, Ms. Logie had heard nothing, so she sent an e-mail to both Registrars requesting confirmation that preparations were being made for voting by paper ballot at the Town Meeting. Ms. Logie received an email response stating that the Registrar "does set the rules for a town meeting." (Refer to EXHIBIT 3).
5. At approximately 6:30 P.M just before the Town Meeting, Ms. Logie saw Registrar of Voters David Smith and again asked if they were prepared for a paper ballot vote. His response was, "We will see how this flies."
6. FOIA requests confirm that neither the Registrars nor Town Clerk discussed or made any arrangements for voter verification or preparation for paper ballot before the meeting. These are all town leaders trained by the State on how to run elections.
(EXHIBIT 6: FOIA Request from June Logie to BOS, Town Clerk, and Registrars of Voters for all communications involving paper ballots)

H. The BOS with the Moderator took over the petitioned Town Meeting and acted as adversaries of the legally convened legislative body.

1. The petitioners came prepared to present the proposed ordinance to the Town Meeting. They set up the front of the room with equipment for the PowerPoint presentation and seating for First Selectman Dunsby and the Town Clerk.
2. They requested that after the meeting was convened, the call read, and the moderator chosen, Mr. Dunsby leave the table in the front of the room and join the citizens as a legislator in the Town Meeting. Mr. Dunsby refused.
3. Instead, Mr. Dunsby and the Selectmen refused to assume a position among the citizenry of the Town and outright demanded that the previously set-up presentation laptop and projector be moved out of the way so the Selectmen could be seated more prominently. Mr. Dunsby acquiesced to make room for the projector only at the time of the presentation causing a delay in the meeting. Thus, the executive branch took

complete control of the legislative branch of the Town. The Moderator allowed the BOS to speak against the proposed ordinance in aggregate for the same amount of time as the presenter for the petitioners. Other citizens were allowed 3 minutes for comments. (EXHIBIT 7: Video - Moderator Tom Herrmann allowing the BOS equal speaking time to the presenter of the ordinance)

4. At the beginning First Selectman Adam Dunsby read regulations regarding who is qualified to vote from CGS Sect. 7-6. (EXHIBIT 8: Video – First Selectman Dunsby reading regulations on who is eligible to vote at a Town Meeting)

I. The Selectmen failed to accurately indicate to the citizens the rights and responsibilities of our legislative body, the Town Meeting.

At the Meeting, the Selectmen took a position of prominence at the front of the room and each spoke against the proposed ordinance, again pitting the executive branch of government against the legislative branch, the first having access to the full power and resources of the Town. They presented demonstrably inaccurate information to affect the outcome of the vote as laid out below:

1. The proposed ordinance requires no additional “layer of government”. CGS 7-163e already requires a public hearing on municipal land use, and yet our Selectmen said the following:
 - a) Sogofsky: “I do have concerns with the fact that it does add that extra layer of government.”
 - b) Lessler: “We hear so much talk these days about 'big government', well, here we are adding another layer of government.”
2. Comparable Fairfield County towns, Wilton, Weston and Ridgefield currently require a town vote on municipal land issues, similar to what would be required by the proposed Easton ordinance. Even though the proposed ordinance does not apply to small leases or pieces of property, our Selectmen said the following:
 - a) Dunsby: “I think potential leasees...buyers and sellers would be reluctant to work with Easton because of the uncertainty. I think Easton will suffer financially in the long term for that.”
 - b) Dunsby: “Organizations such as ER9, the Boards of Education, and the Historical Society lease space from the town. [The ordinance] certainly could put uncertainty into their

planning. Parks and Recreation commission leases fields and facilities to outside groups all the time - an ordinance like this could potentially interfere with that process."

3. There were approximately 400 people present at the September 24, 2018 Town Meeting and there were over 400 people in attendance at the 2010 petitioned Town Meeting regarding the 9-11 Memorial, yet our Selectmen said the following:
 - a) Lessler: "Town Meetings are poorly attended or are well-attended only by the most passionate and partisan people on one side of the issue or another. Either way, Town Meetings are completely unrepresentative."
 - b) Lessler: "A special interest group is going to dictate the outcome because we know the turnout at Town Meetings is always very small."
 - c) Sogofsky: "It's going to be a small group of people that are directing the direction that all of these transactions are going."

J. As the Meeting progressed, Moderator Tom Herrmann repeatedly refused to entertain motions from the floor and changed the motions made from the floor.

1. June Logie moved to vote by paper ballot. Moderator Herrmann ruled the motion out of order and refused to allow the legislative body to entertain the motion saying that we run Town Meetings by Robert's Rules of Order and there is no provision in Robert's Rules for a paper ballot. (EXHIBIT 9: Video – Moderator Tom Herrmann refusing to allow a motion for the body to vote by paper ballot)
2. Former First Selectman William Kupinse, Esq. called a point of order and read Art. VIII, Section 46: Voting from Robert's Rules of Order, Revised. (EXHIBIT 10: Video - Point of Order by Former First Selectman William Kupinse regarding Robert's Rules of Order) Mr. Kupinse stated, "Robert's Rules of Order does provide for paper ballot. If the majority of the assembly asks for a paper ballot a vote for it can be held. I think you are incorrect and if you want to persist in your motion then I would ask that we appeal to the floor." Mr. Herrmann cited CGS 7-7, saying that it supersedes Robert's Rules of Order and refused to appeal to the floor.
3. Former First Selectman William Kupinse, Esq. spoke to the limited scope of the proposed ordinance. (EXHIBIT 11: Video – Former First Selectman William Kupinse noting the small number of municipal properties affected by the proposed ordinance and the fact that the ordinance would not increase the number of meetings required)

4. Mr. Herrmann refused to allow the legislative body to entertain the motion, again citing CGS 7-7 as saying the paper ballot must be arranged no less than 7 and no more than 14 days before the meeting. (EXHIBIT 12: Video - Moderator Tom Herrmann refusing a second time to allow a motion for the body to vote by paper ballot)
5. Citizen John Harris objected stating that Moderator Herrmann was misinterpreting CGS 7-7 because he had not read to the end of CGS 7-7. He then moved for a paper ballot stating that he had CGS 7-7 with him. Mr. Herrmann again refused to entertain the motion citing CGS 7-7 and John Harris continued to insist that the Moderator's interpretation of the statute was incorrect. (EXHIBIT 13: Video – John Harris objecting to Moderator Herrmann's interpretation of CGS 7-7)
6. Citizen Nancy Hansen moved that the legislative body adjourn the meeting to a machine vote. Mr. Herrmann again refused to allow the legislative body to entertain the motion and asked for a division of the room. (EXHIBIT 14: Video – Moderator Herrmann refusing to entertain a motion for the meeting to adjourn to a machine vote)
7. Angry citizens began shouting for him to allow the motions already made to come to the floor. When Mr. Herrmann could not bring the meeting to proper order, he adjourned for a 5-minute recess. People began milling around the room and citizens began to leave the meeting. (EXHIBIT 15: Video – The meeting becomes chaotic and Moderator Herrmann adjourns for a 5-minute recess)
8. During the entire meeting all three Selectmen, one of whom is an attorney, made no objection to the way Moderator Herrmann was running the meeting or his failure to provide legal voting procedures.

K. The executive branch of the Town fails to restore order and prepare for a legal vote.

1. During the recess citizen Beverlee Dacey asked Republican Registrar Vincent Caprio for a paper ballot as was done at the Town Meeting for the 9-11 Memorial. His response was, "That will take two hours and people want to leave."
2. During the recess no attempt was made by the Town Clerk or either Registrar of Voters or the Moderator to secure any process by which the legislative body could legally vote.

3. The Board of Selectmen, one of whom is an attorney, also did nothing to set up for a legal vote.

L. The Moderator conducts the election amidst chaos:

1. After the meeting reconvened the Moderator instructed the citizens, many of whom were still shouting for a paper ballot, to divide the room. (EXHIBIT 16: Video – Moderator Herrmann calls for a dividing of the room)
2. The room was divided, and the votes counted in chaos. Many had left the meeting. People were angry, talking loudly, and moving around the room. It was very noisy. People were getting counted and then going to the back of the line and getting counted again.
3. Mr. Herrmann counted the YES votes. He was at times confused and asked citizens if they had been counted. He was told by 2 citizens, Paula Barker and Leslie Manasi, that he had gone from 79 back to 70 in his count. Another told him he had gone from 59 back to 50 in his count. He continued counting and came up with 100 YES votes. The situation was similar on the other side of the room with the count taking place in chaos and ending with 130 NO votes. (EXHIBIT 17: Video – Voting takes place in chaos with a division of the room)
4. Even after repeated requests by the petitioners prior to the meeting, no attempt was made by any of the Respondents to check who was voting or to verify the counts.
5. Since citizens were not checked in, there is no official count of the attendees. However, there were over 400 chairs, at one point mostly full, with citizens standing 4 to 5 deep at the back of the room and in the entrance area. A modest estimate would be that approximately 350 to 400 people were in attendance as the meeting began. Only 230 were counted as voting.

DAMAGES or PRAYER FOR RELIEF

WHEREFORE, the Town of Easton needs to restore the legal structure, balance, and processes of the Easton Town Meeting form of government, the Petitioners respectfully request that the court issue an injunction barring the Town of Easton from holding any further Town Meetings; such injunction to remain in effect until this legal action is complete and/or legal processes

restored in Easton so that the legislative body, the Town Meeting, is able to conduct business in accordance with CT State Statutes, Town Ordinances, and Orders of the Court. In this regard, please note the following:

- Currently there are pending legal actions from three separate groups of citizens against the Town of Easton for violating state statutes and Town Ordinances and/or circumventing proper protocol affecting an ordinance change, a zoning change, and Town budget approval. These include lawsuits regarding two consecutive 2018 Town Meetings, the April 30 Annual Town Meeting (MANUSKY, ANNE v. EASTON BOARD OF SELECTMEN - FBT-CV-18-5036851-S) and this petition regarding the September 24 Special Town Meeting.
- The BOS is in the process of crafting a firearms ordinance which will require a vote at a Town Meeting and our Annual Town Meeting will be held in May.
- Therefore, it is urgent that we restore the proper processes of governance in our Town before more damage is done.

In addition, the Petitioners seek relief as follows. We respectfully ask the court to:

1. Nullify any action taken at the September 24, 2018 meeting with respect to the proposed ordinance.
2. Based upon petitions submitted by residents and voters of the Town of Easton, instruct the BOS to set a new date for a Town Meeting to consider a proposed ordinance.
3. At such Town Meeting, require the Board of Selectmen, and the Moderator of the Town Meeting, to conduct a proper paper ballot or grant an adjournment for the purpose of conducting a vote by machine tally, supervised by the Registrar of Elections, with respect to the proposed ordinance.
4. Require the BOS to inform citizens about this legal action, its cause, and the resulting ruling by a post on the Town website and in a letter mailed to every Easton address (Easton currently has no Town newspaper):
 - a. To explain this legal action and its result.
 - b. Announce the nullification of the September 24, 2018 petitioned Town Meeting.
 - c. Clarify the misinformation disseminated prior to that meeting.
 - d. Announce the date, time and location of a newly petitioned Town Meeting.

- e. Announce that information explaining our Town Meeting form of government is being added to the website by date certain.
5. Further instruct the BOS to assure that citizens have access to information on our Town Meeting form of government by doing the following:
 - a. Assure that the Town of Easton, Policies and Procedures handbook is easily accessible from the homepage of the Town of Easton website. Appoint a 4-person committee, two of whom are Petitioners of this writ of mandamus to create a section in this handbook entitled Town Meetings; such section to be approved by the Court when completed, and including but not limited to the following:
 - (1) Links to all state statutes, town ordinances, and other documented policies and procedures pertinent to the calling and conduct of Annual, Special and Petitioned Town Meetings
 - (2) Confirmation of Robert's Rules of Order as the accepted rules for all Town Meetings, including responsibilities and powers of the moderator.
 - (3) Proper scheduling and call of each type of Town Meeting.
 - (4) Proper voting procedures: i.e. responsibilities of Registrars of Voters, check in voters at the door, assure the accuracy of the vote count, report the voter count to the Town Clerk, be prepared for a paper ballot, etc...
 - (5) Role of the executive branch (BOS) in the call, setup, conduct and procedures of a petitioned Town Meeting, i.e. a meeting of the Legislative Branch of government.
 - (6) Legal authority and allowable actions for each: i.e. Annual Town Meeting can add to the agenda, lower the budget, and designate where the decrease comes from, must provide copies of the Easton Annual Report, must include a presentation by the Town Treasurer on the Town financials; Special Town Meeting cannot add to the agenda, etc.
 - b. Publish the Town Meeting section of the Town of Easton, Policies and Procedures handbook in the Easton Annual Report each year.
6. Consider any other remedies that protect and preserve the legislative body's role in Town governance, thus assuring the maintenance of our balance of power.
7. Require the Town to reimburse the fees resulting from this legal action to the Petitioners.

EXHIBITS

EXHIBIT 1. Petition for September 24, 2018 Town Meeting**Petition for Town Meeting**

We, the undersigned electors or voters of the Town of Easton, do hereby petition the Board of Selectmen, pursuant to Chapter 200 of the Town of Easton Ordinances and Section 7-1 for the Connecticut State Statutes, to convene a special Town Meeting to discuss and vote on the following:

**PROPOSED ORDINANCE FOR TOWN MEETING ACTION ON
THE ACQUISITION OR DISPOSITION OF REAL PROPERTY**

The Town shall not acquire any real property by sale, lease or otherwise, nor shall it dispose of any real property owned by the Town, by sale, lease or otherwise without the prior approval of the Town Meeting, its legislative body; except this ordinance shall not apply to real property with a fair market value of less than Ten Thousand (\$10,000.00) Dollars, nor to leases of duration of one (1) year or less or of total lease payments totaling less than \$10,000.00, nor to any real property acquired by tax foreclosure.

#	SIGNATURE	PRINTED NAME	ADDRESS
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Circulator Name/Address: _____ / _____

I, _____ (Print Name), am the circulator of the foregoing petition. Per Connecticut General Statutes Sec. 7-9, "each person whose name appears on said page signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified himself to the circulator and that all the signatures on said page were obtained not earlier than six months prior to the filing of said petition. Any page of a petition which does not contain such a statement by the circulator shall be invalid. Any circulator who makes a false statement in the statement hereinbefore provided shall be subject to the penalty provided for false statement."

I HEREBY STATE UNDER THE PENALTIES OF FALSE STATEMENT THAT THE FOREGOING STATEMENTS ARE TRUE.

Signature of Circulator

Circulator (Print Name)

Date

EXHIBIT 2. Call to the September 24, 2018 Petitioned Town Meeting

EASTON

Notice – Special Town Meeting

September 24, 2018

Warning is hereby given of a Special Town Meeting to be held within and for the Town of Easton on Monday, September 24, 2018, 7:00 p.m. at the Samuel Staples Elementary School, 515 Morehouse Road, Easton, to:

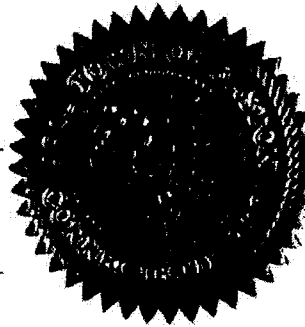
1. Discuss and possible action on a proposed ordinance submitted by petition as follows: "The Town shall not acquire any real property by sale, lease or otherwise, nor shall it dispose of any real property owned by the Town, by sale, lease or otherwise without the proper approval of the Town Meeting, its legislative body; except this ordinance shall not apply to real property with a fair market value of less than Ten Thousand (\$10,000.00) Dollars, nor to lease of duration of one (1) year or less or of total lease payments totaling less than \$10,000.00, nor to any real property acquired by tax foreclosure."
2. Adjournment.

Per Order of the Board of Selectmen


Adam Dunsby, First Selectman


Robert H. Lessler, Selectman


Kristi L. Sogofsky, Selectman



SpecTwnMtg 09.24.2018



EXHIBIT 2. PETITIONED TOWN MEETING
WARNING - SPECIAL TOWN MEETING
SEPTEMBER 24, 2018, 7:00 PM
SAMUEL STAPLES ELEMENTARY SCHOOL
515 MOREHOUSE ROAD, EASTON, VT 05723

EXHIBIT 3. Town leaders' letter to the editor, September 20, Aspetuck News

The Easton Courier • The Redding Pilot • The Weston Forum

LETTERS *to the* EDITOR

Vote no on proposed Easton ordinance

To the Editor:

The Sept. 24 Easton Town Meeting has been called to discuss and vote on a proposed town ordinance. On its face, some people might say that this proposal will make the town more accountable and provide taxpayers with a greater voice.

The fact of the matter is that the proposed ordinance can make it more difficult for the town to conduct its normal business. Enacting this law would add additional concerns to the day-day operations of the town and could make doing ordinary business more difficult and cumbersome.

It is much more efficient for the town to elect officials who the voters believe will properly manage the town's real property holdings rather than to enact a law that requires those officials to take the time to go through the process of giving notice and holding a Town Meeting whenever

the town wants to engage in any transaction that involves land or buildings.

It is important to recognize that Town Meetings are typically not well attended so it would only take a few people to pack a Town Meeting and exert their control over decision-making.

So for all of these reasons we are asking you to attend the Town Meeting at 7 p.m. on Sept. 24 at the Samuel Staples Elementary School.

Please come to the meeting, bring your friends and let's all vote against this ordinance.

Wendy Bowditch

Easton Republican

Town Committee Chair

Jim Rilling

Former Easton Republican

Town Committee, Chair

Adam Halberg

Easton Democratic

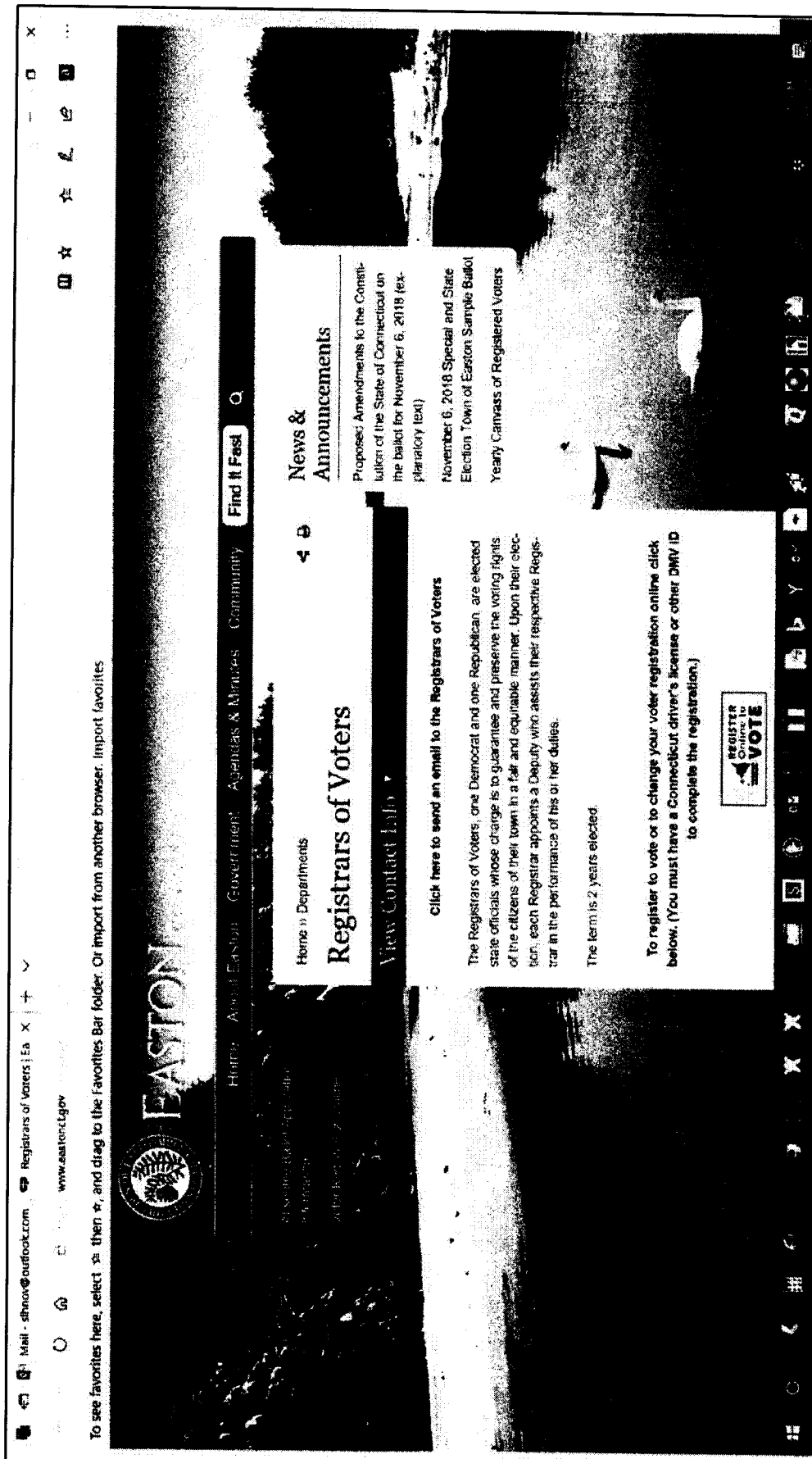
Town Committee Chair

Bob Schrage

Former Easton Democratic

Town Committee, Chair

EXHIBIT 4. Town of Easton website: Registrars of Voters



<https://www.eastonct.gov/registrars-of-voters>

The Registrars of Voters, one Democrat and one Republican, are elected state officials whose charge is to guarantee and preserve the voting rights of the citizens of their town in a fair and equitable manner. Upon their election, each Registrar appoints a Deputy who assists their respective Registrar in the performance of his or her duties.

The term is 2 years elected.

EXHIBIT 5. Registrar David Smith's email regarding setting rules for the Town Meeting.

10/23/2018

RE: [Easton CT] request for paper ballot

From: "David Smith" <dsmith@eastonct.gov>
To: "June ChiaiaLogie" <mwcalm@optonline.net>
Date: 09/24/2018 12:43:33 PM
Subject: RE: [Easton CT] request for paper ballot

June,
Good to hear from you. I appreciate your interest. The office of the registrar does set the rules for a town meeting.
We will see you there tonight.
David Smith / jb

-----Original Message-----

From: June ChiaiaLogie <mwcalm@optonline.net >
Sent: Monday, September 24, 2018 10:27 AM
To: David Smith <dsmith@eastonct.gov >
Subject: [Easton CT] request for paper ballot

dsmith,

Someone has sent you a message using your contact form on the Easton CT site.

If you don't want to receive such e-mails, you can change your settings at
<http://www.eastonct.gov/users/dsmith>.

Message:

~~We are requesting a paper ballot at tonight's Town meeting Sept 24, 2018.~~
We have left messages for the registrar's office last week and no one has gotten back to us.
I just spoke to Jim Bromer and requested a paper ballot again. Please confirm that the registrar's office will be prepared for a paper ballot. Thanks for your time and anticipated cooperation in this matter.

=====
Message sent by: June ChiaiaLogie (mwcalm@optonline.net)
=====

EXHIBIT 6. Page 1 - FOIA request from June Logie to BOS, Town Clerk, and Registrars of Voters for all communication regarding paper ballot

On Fri, Sep 28, 2018 at 10:30 AM, Voters wrote:

Hi.

We received your request for records, data ,e-mails, etc. regarding voting by paper ballot at the town meeting on 9-24-18.

You already have a copy of the response to your request for paper ballots that you sent via email on 9-24-18. Would you like me to print your original email, and the response to that email from the registrar out?

Jim Bromer

Assistant Registrar of Voters

Town of Easton, CT

From: Massage Works.Calm <mwcalm@optonline.net>

Sent: Friday, September 28, 2018 2:22 PM

To: Voters <voters@eastonct.gov>

Subject: RE: We received your request for information regarding voting by paper ballots at the town meeting 9-4-18

No thank you. I already have that correspondence. Is this e-mail intended to say you have no other information or data concerning this matter?

June Chiara-Logie

On Fri, Sep 28, 2018 at 02:36 PM, Voters wrote:

I haven't been able to find anything else, but I want to look again on Monday. The registrars are not aware of anything either. Someone called on Monday morning and said something about paper ballots and I told David about the call, but I did not write anything down and I cannot remember who called me.

Jim

EXHIBIT 6 Page 2. FOIA request from June Logie to BOS, Town Clerk, and Registrars of Voters for all communication regarding paper ballot

From: Message Works.Calm <mwcalm@optonline.net>
Sent: Friday, September 28, 2018 2:55 PM
To: Voters <voters@eastonct.gov>
Subject: RE: We received your request for information regarding voting by paper ballots at the town meeting 9-4-18

I called and Sheri Harris both called on Monday. I am Looking for data or paperwork e-mails etc. between the registrar and Selectmen or Town Clerk or Council or Sec of State office or Tom Hermann or anyone else that the registrar would have contacted in this matter. Thanks for your prompt attention in this matter.

June Chiala-Logie

From: Voters
Sent: Friday, September 28, 2018 3:04 PM
To: 'Message Works.Calm' <mwcalm@optonline.net >
Subject: RE: We received your request for information regarding voting by paper ballots at the town meeting 9-24-18

I see that I mistyped the subject on the original email. It should have been "We received your request for information regarding voting by paper ballots at the town meeting 9-24-18" of course.

First Selectman Adam Dunsby told me that he wanted paper ballots for the 9-24-18 town meeting on the morning of the 24th before the meeting.

Jim Bromer

10/23/2018

RE: We received your request for information regarding voting by paper ballots at the town meeting 9-24-18

From: "Voters" <voters@eastonct.gov>
To: "Message Works.Calm" <mwcalm@optonline.net>
Date: 09/28/2018 03:33:34 PM
Subject: RE: We received your request for information regarding voting by paper ballots at the town meeting 9-24-18

Just to clarify, I think Adam told me that we might need paper ballots for the meeting.

EXHIBIT 6 Last Page. FOIA request from June Logie to BOS, Town Clerk, and Registrars of Voters for all communication regarding paper ballot

From: Town Clerk
Sent: Friday, September 28, 2018 11:27 AM
To: June Logie (Mwcalm@optonline.net)
Cc: Town Clerk
Subject: Reply to FOIA request



The Town Clerk's office received your FOIA request on 9/26/2018 to inspect and obtain copies of public records regarding voting by paper ballots and/or any paper ballot vote or voting procedures within the last 60 days. I will get back to you on or before October 16, 2018 with any information related to your request.

Thanks!

<https://webtop.webmail.optimum.net/viewmessage?r=%3Crequest%3E%3Cmail%20action%3D%22msgleich%22%20accountid%3D%22%22%20fold...> 1/2

10/23/2018

FW: Reply to FOIA request

From: "Town Clerk" <TownClerk@eastonct.gov>
To: "June Logie (Mwcalm@optonline.net)" <mwcalm@optonline.net>
Cc: "Town Clerk" <TownClerk@eastonct.gov>
Date: 10/12/2018 02:17:04 PM
Subject: FW: Reply to FOIA request
Attachments:  (14KB),  (14KB)

In response to your FOIA request (received 9/26/2018), the Town Clerk's office does not have any public records documents related to your request.

Thanks!

EXHIBIT 7. Moderator Tom Herrmann allowing the BOS equal speaking time to the presenter of the ordinance and of each member of the BOS speaking against the ordinance

Link to video: Moderator Tom Herrmann allowing the BOS equal speaking time to the presenter located at 6:40-7:22 minutes and 28:26-28:35 minutes

Link to video: Selectmen speaking against the ordinance

First Selectman Adam Dunsby - located at the beginning, 0.00 minutes

Selectman Robert Lessler - located at the beginning, 7.00 minutes

Selectman Kristi Sogofsky - located at the beginning, 11.25 minutes

EXHIBIT 8. First Selectman Dunsby reading CGS 7-6 – Eligibility to vote (text below)

Link to video: <https://www.youtube.com/watch?v=3i86Fe9s1lM&t=32s>

Located at the beginning, 0.00

Connecticut General Statutes 7-6 – Eligibility to vote: At any town meeting other than a regular or special town election or at any meeting of any fire, sewer or school district or any other municipal subdivision of any town incorporated by any special act, any person who is an elector of such town may vote and any citizen of the United States of the age of eighteen years or more who, jointly or severally, is liable to the town, district or subdivision for taxes assessed against him on an assessment of not less than one thousand dollars on the last-completed grand list of such town, district or subdivision, or who would be so liable if not entitled to an exemption under subdivision (17), (19), (22), (23), (25) or (26) of section 12-81, may vote, unless restricted by the provisions of any special act relating to such town, district or subdivision.

EXHIBIT 9. Moderator Tom Herrmann refusing to allow a motion for the body to vote by paper ballot

Link to video: https://www.youtube.com/watch?v=SKoy8tvV_Os&t=3s

Located at 5:35-6:00

EXHIBIT 10. Point of Order by Former First Selectman William Kupinse regarding Robert's Rules of Order

Link to video: https://www.youtube.com/watch?v=SKoy8tvV_Os&t=3s

Located at 6:00-6:28

Robert's Rules of Order, Revised. Art. VIII, Section 46: Voting

Voting by Ballot. The main object of this form of voting is secrecy, and it is resorted to when the question is of such a nature that some members might hesitate to vote publicly their true sentiments. Its special use is in the reception of members, elections, and trials of members and officers, as well as in the preliminary steps in both cases, and the by-laws should require the vote to be by ballot in such cases. Where the by-laws do not require the vote to be by ballot, it can be so ordered by a majority vote, or by general consent. Such motions are undebatable. Voting by ballot is rarely, if ever, used in legislative bodies...

EXHIBIT 11. Former First Selectman William Kupinse noting the small number of municipal properties affected by the proposed ordinance and the fact that the ordinance would not increase the number of meetings required.

Link to video: <https://www.youtube.com/watch?v=jJFF3VC0MRs> *Located at 29:10 minutes to end*

Continued on: https://www.youtube.com/watch?v=SKoy8tvV_Os *Located at start to 1:30 minutes*

EXHIBIT 12. Moderator Tom Herrmann refusing a second time to allow a motion for the body to vote by paper ballot

Link to video: https://www.youtube.com/watch?v=SKoy8tvV_Os&t=3s

Located at 6:27-7:12 minutes

EXHIBIT 13. John Harris objecting to Moderator Herrmann's interpretation of CGS 7-7

Link to video: https://www.youtube.com/watch?v=SKoy8tvV_Os&t=3s

Located at 8:37-11:45 minutes

EXHIBIT 14. Moderator Herrmann refusing to entertain a motion for the meeting to adjourn to a machine vote

Link to video: https://www.youtube.com/watch?v=SKoy8tvV_Os&t=3s

Located at 20:50-23:30 minutes

EXHIBIT 15. The meeting becomes chaotic and Moderator Herrmann adjourns for a 5-minute recess

Link to video: https://www.youtube.com/watch?v=SKoy8tvV_Os&t=3s

Located at 25:55-26:10 minutes

EXHIBIT 16. Moderator Herrmann calls for a dividing of the room

Link to video: https://www.youtube.com/watch?v=SKoy8tvV_Os&t=3s

Located at 29:00 minutes to end

EXHIBIT 17. Voting takes place in chaos with a division of the room

Link to video: <https://www.youtube.com/watch?v=cXonDE-32EU&t=11s>

You can view the chaos at any place on this video clip. Just click from anywhere to see how the vote was conducted. Here are a few specifics:

Moderator asks, "Were you counted?" Located at 3:41-3:45 minutes

Citizen reports, "He just got in line a second time." Located at 5:53-6:05 minutes

Citizen corrects counting, "You counted 59." Located at 6:50-7:00 minutes